IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.764 OF 2006
IN
CRIMINAL APPEAL NO.679 OF 2005

Shri.Anand Narayan Naik ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Smt.Harjeet Kaur, Advocate for the Applicant.
Mrs.M.M.Deshmukh, APP, for the State.

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CORAM : **SMT.V.K.TAHILRAMANI, J.**
DATED : **NOVEMBER 24, 2006.**
(IN CHAMBER, 2:35 P.M.)

P.C.:

1. Heard Smt.Kaur the learned counsel for the applicant-Orig.accused and Mrs.Deshmukh the learned APP for the State.

2. The applicant has been convicted under Sections 306 & 498-A of the Indian Penal Code and has been sentenced for the offence punishable under Section 306 to suffer R.I. for seven years; and for the offence punishable under Section 498A he has been sentenced to suffer R.I. for two years.

3. The applicant is now seeking bail on medical ground. It is the case of the applicant that he is suffering from various ailments like hypertension and chronic asthma. Besides this, the applicant has impaired vision in both eyes.

4. Smt.Kaur, the learned counsel for the applicant-accused has submitted that the applicant is unable to see and due to this it is very difficult for him to conduct his day to day activities. She has further submitted that the applicant has been in custody for over one and half year. Thus, she has prayed that the applicant may be released on bail.

5. Mrs.Deshmukh, the learned APP for the State has tendered the medical report dated 18th November, 2006 given by Medical Officer, Kolhapur Central Prison, Kalamba where the applicant is lodged at present. The learned APP for the State also tendered letter dated 10.11.2006 of Senior Inspector of Police, D.N.Nagar Police Station, Mumbai. The same are taken on record and marked

"X Collectively" for identification. The report dated 18.11.2006 of Medical Officer, Kolhapur Central Prison, Kalamba does show that the vision of both eyes of the applicant is affected. It is further stated in the said report that the applicant is a case of hypertensive heart disease. The report states that the right eye of the applicant requires operation.

6. Smt.Kaur, the learned counsel for the applicant-accused states that if the applicant is released on bail for temporary period, the family members of the applicant would get him operated and thereafter the applicant would report back to Kolhapur Central prison, Kalamba.

7. Looking to the above facts and circumstances of the case, I am inclined to grant temporary bail to the applicant. Hence the order:

ORDER

I. The applicant-orig.accused be released on bail for a temporary period of

two months on furnishing surety in the sum of Rs.12,000/- (Rs.twelve thousand only) with one or two sureties to make up the said amount.

II. The temporary bail period of two months to be counted from the date the applicant is released from jail.

III. After the period of two months is over, the applicant shall surrender back to jail.

IV. Criminal Application is disposed of.

(SMT.V.K.TAHILRAMANI,J.)